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 JPMORGAN CHASE BANK, N.A.

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

JPMORGAN CHASE BANK, N.A.,

 Plaintiff,

 v.

 KB HOME *et al.*,

 Defendant.

ALL RELATED ACTIONS

2:08-CV-01711-PMP-RJJ
 BASE FILE

3rd JOINT INTERIM DISCOVERY
 STATUS REPORT

Related Cases:

2:08-CV-01709-PMP-RJJ
 2:08-CV-01713-PMP-RJJ
 2:08-CV-01714-PMP-RJJ
 2:08-CV-01715-PMP-RJJ
 2:08-CV-01716-PMP-RJJ
 2:08-CV-01717-PMP-RJJ

2:09-CV-01154-PMP-RJJ
 2:09-CV-01547-PMP-RJJ
 2:09-CV-01548-PMP-RJJ
 2:09-CV-01549-PMP-RJJ
 2:09-CV-01550-PMP-RJJ
 2:09-CV-01551-PMP-RJJ
 2:09-CV-01552-PMP-RJJ

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Pursuant to the Court's October 9, 2009 Order concerning interim discovery status reports (Doc. # 147), the parties report as follows:

I. DISCOVERY COMPLETED TO DATE

A. Document Requests

1. On August 4, 2009, Plaintiff JPMorgan Chase Bank, N.A. ("JPMorgan") served its First Request for the Production of Documents.

2. On September 14, 2009, defendants Pardee Homes of Nevada and Weyerhaeuser Real Estate Company (collectively "Pardee"); Toll Brothers, Inc. and Coleman-Toll Limited Partnership (collectively "Toll"); KB Home and KB Home Nevada Inc. (collectively "KB"); Meritage Homes Corp. and Meritage Homes of Nevada, Inc. (collectively "Meritage"); and Beazer Homes USA, Inc. and Beazer Homes Holdings Corp. (collectively "Beazer", together with Pardee, Toll, KB, and Meritage, the "Builder Defendants") served their 1st Joint Request for the Production of Documents.

3. On October 28, 2009, the Builder Defendants served their first requests for production of documents to defendant and third-party defendant Focus South Group LLC.

B. Responses to Document Requests and Document Productions

1. On September 11, 2009, each of the Builder Defendants responded and objected to JPMorgan's document requests. In addition, the following defendants have produced documents in partial response to JPMorgan's requests as follows:

a. On September 25 and October 5, 2009, defendant Focus South Group, LLC produced just under 40,000 pages of documents;

b. On October 7, 2009, KB produced just over 4,500 pages of documents;

c. On October 8, 2009, Meritage produced just over 4,000 pages of documents;

d. On October 9, 2009, Beazer produced just over 10,000 pages of documents;

e. On October 23, 2009, Focus South Group LLC produced just over 3,000 pages of documents;

- f. On October 26, 2009, Pardee produced just under 2,500 pages of documents;
- g. On October 29, 2009, Toll produced just over 11,000 pages of documents.
- h. On November 11 and 20, 2009, Toll produced just over 37,000 pages of documents.
- i. On November 20, 2009, Pardee produced just over 11,000 pages of documents.
- j. On November 25, 2009, Beazer produced just over 11,000 pages of documents.
- k. On December 10, 2009, Pardee produced just over 5,000 pages of documents.
- l. On December 23, 2009, Beazer produced just under 22,500 pages of documents.
- m. On January 4, 2010, Toll produced just over 60,000 pages of documents.
- n. On January 5, 2010, Toll produced just over 42,000 pages of documents.
- o. On January 13, 2010, Toll produced just over 321,000 pages of documents.
- p. On January 15, 2010, Toll produced just under 12,000 pages of documents.
- q. On January 12, 2010, Pardee produced just over 5,000 pages of documents.
- r. On January 14, 2010, Focus produced just over 3,000 pages of documents.
2. On October 19, 2009, JPMorgan responded and objected to the Builder Defendants' requests and also produced 10,897 pages of documents in partial response to those requests.

C. Other Written Discovery

1. On October 12, 2009, JPMorgan served its first set of interrogatories.
2. The Builder Defendants responded to JPMorgan's 1st Set of Interrogatories between November 16 and 25, 2009.

II. DISCOVERY THAT REMAINS OUTSTANDING

1 A. Document Requests

2 1. The parties are still in the process of conferring in connection with a
3 number of discovery disputes concerning a limited number of document requests and other
4 written discovery.

5 B. Discovery of Electronically Stored Information

6 1. The parties are still in the process of finalizing and memorializing their
7 agreement for the review of electronically stored information.

8 C. Depositions

9 1. On October 28, 2009, the Builder Defendants served a notice of 30(b)(6)
10 Deposition of JPMorgan.

11 2. On November 6, 2009, the Builder Defendants served Notices of
12 Deposition of Scott Bogatz and Michael Wilkinson.

13 3. On November 20, 2009, JPMorgan served its response to the 30(b)(6)
14 Deposition Notice.

15 4. On November 20, 2009, Focus served Responses and Objections to
16 Defendants' Notices of Deposition of Mr. Bogatz and Mr. Wilkinson.

17 D. Third Party Discovery

18 1. On October 28, the Builder Defendants served notices regarding the
19 issuance of subpoenas in to (1) George Larry Engel, (2) White & Case LLP, (3) Morrison &
20 Foerster, LLP and (4) Sidley Austin, LLP.

21 2. White & Case LLP objected and refused to produce any documents in
22 response to the subpoena issued to it.

23 3. On December 11, the Builder Defendants withdrew without prejudice the
24 subpoenas to Mr. Engel and Morrison & Foerster, LLP.

25 4. Plaintiff is currently coordinating the production of documents in response
26 to the subpoena issued to Sidley & Austin.

27 **III. PENDING DISCOVERY MOTIONS**

28 A. Motion to Compel Lender Discovery.

1. Briefing was completed on Builder Defendants' Motion to Compel Plaintiff JPMorgan Chase Bank, N.A. to Produce Documents in the Possession or Control of the Other Lenders on December 7, 2009. A hearing regarding the Motion to Compel was held before the Court on January 15, 2010.

B. Motion for Protective Order

1. Plaintiff JPMorgan filed a Motion for Protective Order on December 16, 2009 in connection with document discovery sought by KB Home. At the same time as it filed the Motion for Protective Order, JPMorgan filed a Motion for an Order Shortening Time and for a Temporary Protective Order. JPMorgan's Motion for a Temporary Protective Order was denied on January 9, 2010. Briefing on the Motion for Protective Order was completed on January 14, 2010.

C. Motion to Compel

1. On December 17, 2009, the Builder Defendants filed a Motion to Compel the depositions of Mr. Wilkinson and Mr. Bogatz. Briefing on that motion was completed on January 11, 2010.

IV. SETTLEMENT DETAILS

1. Prior to litigation, the parties, through counsel, engaged financial consultants to assist in loan workout negotiations. Although those negotiations failed, and this litigation ensued, the parties continue to discuss and consider potential workout scenarios with the aid of their consultants.

Dated: February 5, 2010

Respectfully submitted,

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